

Senate File 638

S-3237

1 Amend Senate File 638 as follows:

2 1. By striking everything after the enacting clause and  
3 inserting:

4 <DIVISION I

5 STANDING APPROPRIATIONS AND RELATED MATTERS

6 Section 1. LIMITATIONS OF STANDING APPROPRIATIONS — FY  
7 2019-2020. Notwithstanding the standing appropriation in the  
8 following designated section for the fiscal year beginning July  
9 1, 2019, and ending June 30, 2020, the amount appropriated from  
10 the general fund of the state pursuant to that section for the  
11 following designated purpose shall not exceed the following  
12 amount:

13 For payment of claims for nonpublic school transportation  
14 under section 285.2:

15 ..... \$ 8,197,091

16 If total approved claims for reimbursement for nonpublic  
17 school pupil transportation exceed the amount appropriated in  
18 accordance with this section, the department of education shall  
19 prorate the amount of each approved claim.

20 Sec. 2. INSTRUCTIONAL SUPPORT STATE AID — FY 2019-2020. In  
21 lieu of the appropriation provided in section 257.20,  
22 subsection 2, the appropriation for the fiscal year  
23 beginning July 1, 2019, and ending June 30, 2020, for paying  
24 instructional support state aid under section 257.20 for such  
25 fiscal year is zero.

26 Sec. 3. Section 257.35, Code 2019, is amended by adding the  
27 following new subsection:

28 NEW SUBSECTION. 13A. Notwithstanding subsection 1, and in  
29 addition to the reduction applicable pursuant to subsection  
30 2, the state aid for area education agencies and the portion  
31 of the combined district cost calculated for these agencies  
32 for the fiscal year beginning July 1, 2019, and ending June  
33 30, 2020, shall be reduced by the department of management by  
34 fifteen million dollars. The reduction for each area education  
35 agency shall be prorated based on the reduction that the agency

1 received in the fiscal year beginning July 1, 2003.

2     Sec. 4. SPECIAL FUNDS — SALARY ADJUSTMENTS —  
3 UNAPPROPRIATED MONEYS — FY 2019-2020 — FY 2020-2021. For the  
4 fiscal year beginning July 1, 2019, and ending June 30, 2020,  
5 and for the fiscal year beginning July 1, 2020, and ending June  
6 30, 2021, salary adjustments otherwise provided may be funded  
7 as determined by the department of management, subject to any  
8 applicable constitutional limitation, using unappropriated  
9 moneys remaining in the department of commerce revolving  
10 fund, the gaming enforcement revolving fund, the gaming  
11 regulatory revolving fund, the primary road fund, the road  
12 use tax fund, the fish and game protection fund, and the Iowa  
13 public employees' retirement fund, and in other departmental  
14 revolving, trust, or special funds for which the general  
15 assembly has not made an operating budget appropriation.

16                                   DIVISION II

17                                   MISCELLANEOUS APPROPRIATIONS

18     Sec. 5. DEPARTMENT OF PUBLIC SAFETY.

19     1. There is appropriated from the general fund of the  
20 state to the department of public safety for the fiscal year  
21 beginning July 1, 2019, and ending June 30, 2020, the following  
22 amount, or so much thereof as is necessary, to be used for the  
23 purposes designated:

24     For costs associated with the training and equipment needs  
25 of volunteer fire fighters:

26 ..... \$       50,000

27     2. Notwithstanding section 8.33, moneys appropriated in  
28 this section that remain unencumbered or unobligated at the  
29 close of the fiscal year shall not revert but shall remain  
30 available for expenditure only for the purpose designated in  
31 this section until the close of the succeeding fiscal year.

32     3. Notwithstanding section 8.39, the department of public  
33 safety may reallocate moneys appropriated in this section  
34 and moneys appropriated in 2019 Iowa Acts, Senate File 615,  
35 section 15, if enacted, as necessary to best fulfill the needs

1 provided for in the appropriation. However, the department  
2 shall not reallocate moneys appropriated to the department  
3 in this section and moneys appropriated in 2019 Iowa Acts,  
4 Senate File 615, section 15, if enacted, unless notice of the  
5 reallocation is given to the legislative services agency and  
6 the department of management prior to the effective date of the  
7 reallocation. The notice shall include information regarding  
8 the rationale for reallocating the moneys. The department  
9 shall not reallocate moneys appropriated in this section and  
10 moneys appropriated in 2019 Iowa Acts, Senate File 615, section  
11 15, if enacted, for the purpose of eliminating any program.

12 DIVISION III

13 MISCELLANEOUS PROVISIONS

14 Sec. 6. Section 2C.18, Code 2019, is amended to read as  
15 follows:

16 **2C.18 Report to general assembly.**

17 The ombudsman shall by ~~April 1~~ December 31 of each year  
18 submit an economically designed and reproduced report to the  
19 general assembly and to the governor concerning the exercise of  
20 the ombudsman's functions during the preceding ~~calendar~~ fiscal  
21 year. In discussing matters with which the ombudsman has been  
22 concerned, the ombudsman shall not identify specific persons  
23 if to do so would cause needless hardship. If the annual  
24 report criticizes a named agency or official, it shall also  
25 include unedited replies made by the agency or official to the  
26 criticism, unless excused by the agency or official affected.

27 Sec. 7. Section 558.69, Code 2019, is amended by adding the  
28 following new subsection:

29 NEW SUBSECTION. 9. Notwithstanding section 331.604 or any  
30 other provision of law to the contrary, the county recorder  
31 shall not charge or collect a fee for the submission or filing  
32 of a groundwater hazard statement.

33 DIVISION IV

34 CORRECTIVE PROVISIONS

35 Sec. 8. Section 29C.20C, if enacted by 2019 Iowa Acts,

1 Senate File 570, section 1, is amended to read as follows:

2     **29C.20C Immunity — licensed architects and professional**  
3 **engineers.**

4     An architect licensed pursuant to chapter 544A or a  
5 professional engineer licensed pursuant to chapter 542B who,  
6 during a disaster emergency as proclaimed by the governor or  
7 a major disaster as declared by the president of the United  
8 States, in good faith and at the request of or with the  
9 approval of a national, state, or local public official, law  
10 enforcement official, public safety official, or building  
11 inspection official believed by the licensed architect or  
12 professional engineer to be acting in an official capacity,  
13 voluntarily and without compensation provides architectural,  
14 engineering, structural, electrical, mechanical, or other  
15 design professional services related to the disaster emergency  
16 or major disaster shall not be liable for civil damages for any  
17 acts or omissions resulting from the services provided, unless  
18 such acts or omissions constitute recklessness or willful  
19 and wanton misconduct. A licensed architect or professional  
20 engineer who receives expense reimbursement for the performance  
21 of services described in this section shall not be considered  
22 to have received compensation for such services.

23     Sec. 9. Section 216A.133, subsection 3, paragraph 1, if  
24 enacted by 2019 Iowa Acts, House File 634, section 5, is  
25 amended to read as follows:

26     1. Recommending to the ~~board~~ department the adoption of  
27 rules pursuant to chapter 17A as it deems necessary for the  
28 board and division.

29     Sec. 10. Section 225C.51, subsection 1, paragraph a, if  
30 enacted by 2019 Iowa Acts, House File 690, section 8, is  
31 amended to read as follows:

32     a. The director of the department of human services or the  
33 director's designee.

34     Sec. 11. Section 225C.51, subsection 3, if enacted by 2019  
35 Iowa Acts, House File 690, section 8, is amended to read as

1 follows:

2     3. The director of the department of human services and the  
3 director of the department of education, or their designees,  
4 shall serve as co-chairpersons of the state board. Board  
5 members shall not be entitled to a per diem as specified in  
6 section 7E.6 and shall not be entitled to actual and necessary  
7 expenses incurred while engaged in their official duties.

8     Sec. 12. Section 261H.3, subsections 1 and 2, as enacted by  
9 2019 Iowa Acts, Senate File 274, section 3, are amended to read  
10 as follows:

11     1. Noncommercial expressive activities protected under the  
12 provisions of this chapter include but are not limited to any  
13 lawful oral or written means by which members of the campus  
14 community may communicate ideas to one another, including  
15 but not limited to all forms of peaceful assembly, protests,  
16 speeches including by invited speakers, distribution of  
17 literature, circulating petitions, and publishing, including  
18 publishing or streaming on an internet site, or audio or video  
19 recorded in outdoor areas of campus.

20     2. A member of the campus community who wishes to engage in  
21 noncommercial expressive activity in outdoor areas of campus  
22 shall be permitted to do so freely, subject to reasonable  
23 time, place, and manner restrictions, and as long as the  
24 member's conduct is not unlawful, does not impede others'  
25 access to a facility or use of walkways, and does not disrupt  
26 the functioning of the public institution of higher education,  
27 subject to the protections of subsection 1. The public  
28 institution of higher education may designate other areas of  
29 campus available for use by the campus community according to  
30 institutional policy, but in all cases access to designated  
31 areas of campus must be granted on a viewpoint-neutral basis  
32 within the bounds of established principles of the first  
33 amendment principles to the Constitution of the United States.

34     Sec. 13. Section 322C.2, subsection 20, if enacted by 2019  
35 Iowa Acts, Senate File 435, section 2, is amended to read as

1 follows:

2     20. *"Towable recreational vehicle dealer"* or *"dealer"* means  
3 a person required to be licensed under this chapter who is  
4 authorized to sell and service towable recreational vehicles.

5     Sec. 14. Section 322C.15, subsection 2, paragraph b, if  
6 enacted by 2019 Iowa Acts, Senate File 435, section 12, is  
7 amended to read as follows:

8     b. The manufacturer's or distributor's business operations  
9 have been abandoned or caused the dealer's business operations  
10 to close for ten consecutive business days. This ~~subparagraph~~  
11 paragraph does not apply if the closing is due to a normal  
12 seasonal closing and the manufacturer or distributor notifies  
13 the dealer of the planned closing, an act of God, a strike,  
14 a labor difficulty, or any other cause over which the  
15 manufacturer or distributor has no control.

16     Sec. 15. Section 456A.33C, subsection 1, unnumbered  
17 paragraph 1, if enacted by 2019 Iowa Acts, House File 765,  
18 section 18, is amended to read as follows:

19     For purposes of this section, unless the context otherwise  
20 requires, *"eligible water body"* means a body of water that ~~meet~~  
21 meets all of the following criteria:

22     Sec. 16. Section 513D.2, subsection 2, Code 2019, as amended  
23 by 2019 Iowa Acts, House File 679, section 184, if enacted, is  
24 amended to read as follows:

25     2. The commissioner ~~or~~ of insurance may take any enforcement  
26 action under the commissioner's authority to enforce compliance  
27 with this chapter.

28     Sec. 17. Section 515I.4A, subsection 1, paragraph c, as  
29 enacted by 2019 Iowa Acts, Senate File 558, section 4, is  
30 amended to read as follows:

31     c. The board of directors of the insurer has passed a  
32 resolution seeking approval as a domestic surplus lines insurer  
33 in this state and stating that the insurer shall only write  
34 surplus ~~line~~ lines business. The resolution shall not be  
35 amended without approval of the commissioner.

1     Sec. 18. Section 522E.13, subsection 6, Code 2019, as  
2 amended by 2019 Iowa Acts, Senate File 559, section 6, is  
3 amended to read as follows:

4     6. Whenever notice or correspondence with respect to a  
5 policy of portable electronics insurance is required pursuant  
6 to [this section](#), it shall be in writing and sent within the  
7 notice period required pursuant to [this section](#). Notices  
8 and correspondence shall be sent to the licensed portable  
9 electronics vendor that is the policyholder at the portable  
10 electronics vendor's mailing or electronic mail address  
11 specified for that purpose and to its affected enrolled  
12 consumers' last known mailing or electronic mail addresses on  
13 file with the insurer or the portable electronics vendor. All  
14 notices and documents that are delivered by electronic means  
15 shall comply with section 505B.1, except for the provisions  
16 in section 505B.1, subsection 4. The insurer or portable  
17 electronics vendor shall maintain proof that the notice or  
18 correspondence was sent for not less than three years after  
19 that notice or correspondence was sent.

20     Sec. 19. Section 633.648, Code 2019, as amended by 2019  
21 Iowa Acts, House File 610, section 34, if enacted, is amended  
22 to read as follows:

23     **633.648 Appointment of attorney in compromise of personal**  
24 **injury settlements.**

25     Notwithstanding the provisions of [section 633.642](#) prior to  
26 authorizing a compromise of a claim for damages on account  
27 of personal injuries to the ~~ward~~ protected person, the court  
28 may order an independent investigation by an attorney other  
29 than by the attorney for the conservator. The cost of such  
30 investigation, including a reasonable attorney fee, shall be  
31 taxed as part of the cost of the conservatorship.

32     Sec. 20. Section 692C.1, subsection 1, paragraph a, if  
33 enacted by 2019 Iowa Acts, House File 681, section 1, is  
34 amended to read as follows:

35     a. *"Covered individual"* means an individual who has, seeks

1 to have, or may have access to children, the elderly, or  
2 individuals with disabilities served by a qualified entity and  
3 who is employed by, volunteers with, or seeks to volunteer with  
4 a qualified entity; or owns or operates or seeks to own or  
5 operate, a qualified entity.

6 Sec. 21. 2019 Iowa Acts, Senate File 333, section 104,  
7 subsection 6, is amended to read as follows:

8 6. Sections 15E.206, subsection 3, paragraph "a";  
9 15E.207, subsection 2, paragraph "b", subparagraph (2),  
10 subparagraph division (c); 15E.208, subsection 5, paragraph  
11 "g", subparagraphs (1) and (2); 15E.208, subsection 6,  
12 paragraph "d", subparagraph (1), subparagraph division  
13 (a); 135.61, unnumbered paragraph 1; 135.61, subsection  
14 1, paragraph "d"; 135.61, subsection 4; 135.62, subsection  
15 1; 135.62, subsection 2, paragraph "f", subparagraphs (2),  
16 (4), and (5); 135.63, subsection 1; 135.63, subsection 2,  
17 unnumbered paragraph 1; 135.63, subsection 2, paragraph "f";  
18 135.63, subsection 2, paragraph "g", subparagraph (1); 135.63,  
19 subsection 2, paragraph "h", subparagraph (1), unnumbered  
20 paragraph 1; 135.63, subsection 2, paragraph "j"; 135.63,  
21 subsection 2, paragraph "k", subparagraph (1), unnumbered  
22 paragraph 1; 135.63, subsection 2, paragraph "l", unnumbered  
23 paragraph 1; 135.63, subsection 2, paragraphs "m" and "n";  
24 135.63, subsection 2, paragraph "p", unnumbered paragraph 1;  
25 135.63, subsection 3; 135.64, subsection 3; 135.72, unnumbered  
26 paragraph 1; 135.73, subsection 1; 135.73, subsection  
27 2, unnumbered paragraph 1; 135.73, subsection 3; 135.74,  
28 subsections 1 and 3; 135.75, subsection 2; 135.76, subsection  
29 1; 135.100, unnumbered paragraph 1; 135.105A, subsection 5;  
30 135.108, unnumbered paragraph 1; 135.140, unnumbered paragraph  
31 1; 249K.2, subsection 6; 490.120, subsection 12, paragraph "c",  
32 subparagraph (1); 490.140, subsection 29; 490.640, subsection  
33 8; 490.809, subsection 2; 490.858, subsection 2; 490.1101,  
34 unnumbered paragraph 1; 490.1105, subsection 3; 490.1107,  
35 subsection 1, paragraph "h"; 490.1107, subsection 2; 490.1107,



1 subsection 4, paragraph "b"; 490.1108, subsection 1; 490.1114,  
2 subsection 1; 490.1114, subsection 2, paragraph "g"; 490.1202,  
3 subsection 7; 490.1301, unnumbered paragraph 1; 490.1320,  
4 subsection 1; 490.1320, subsection 3, paragraphs "a" and "b";  
5 490.1322, subsection 2, paragraph "c"; 490.1323, subsection  
6 3; 490.1331, subsection 1; 490.1340, subsection 2, paragraph  
7 "a", subparagraph (1); 490.1403, subsection 3; 490.1405,  
8 subsection 2, paragraph "c"; 499.69A, subsection 6; 524.1309,  
9 subsection 8; 524.1406, subsection 1; 524.1417, subsection 1;  
10 and 524.1805, subsection 6, Code 2019, are amended by striking  
11 the word "division" and inserting in lieu thereof the word  
12 "subchapter".

13 Sec. 22. EFFECTIVE DATE. The following, being deemed of  
14 immediate importance, take effect upon enactment:

15 1. The section of this division of this Act amending section  
16 29C.20.

17 2. The section of this division of this Act amending section  
18 261H.3, subsections 1 and 2.

19 Sec. 23. EFFECTIVE DATE. The following takes effect January  
20 1, 2020:

21 The section of this division of this Act amending section  
22 633.648.

23 Sec. 24. RETROACTIVE APPLICABILITY. The following applies  
24 retroactively to the effective date of 2019 Iowa Acts, Senate  
25 File 570, if enacted:

26 The section of this division of this Act amending section  
27 29C.20.

28 Sec. 25. RETROACTIVE APPLICABILITY. The following applies  
29 retroactively to March 27, 2019:

30 The section of this division of this Act amending section  
31 261H.3, subsections 1 and 2.

32 Sec. 26. APPLICABILITY. The following applies to  
33 guardianships and guardianship proceedings for adults and  
34 conservatorships and conservatorship proceedings for adults and  
35 minors established or pending before, on, or after January 1,

1 2020:

2 The section of this division of this Act amending section  
3 633.648.

4 DIVISION V

5 FLOOD RECOVERY

6 Sec. 27. NEW SECTION. **418.16 Flood recovery fund.**

7 1. A flood recovery fund is established in the state  
8 treasury under the control of the board. The fund shall  
9 consist of moneys appropriated to the fund by the general  
10 assembly and any other moneys available to, obtained by, or  
11 accepted by the board for deposit in the fund. Moneys in the  
12 fund are appropriated to the department and shall be used for  
13 the purposes designated in this section. Moneys in the fund  
14 shall not supplant any federal disaster recovery moneys.

15 2. The board may award moneys from the fund to eligible  
16 political subdivisions of the state. A political subdivision  
17 of the state is eligible to receive moneys from the fund if  
18 the political subdivision is located in a county designated  
19 under presidential disaster declaration DR-4421-IA and is also  
20 located in a county where the federal emergency management  
21 agency's individual assistance program has been activated.

22 3. In order to be awarded moneys from the fund, a political  
23 subdivision of the state shall submit a project application  
24 to the department for consideration by the board. The board  
25 shall prescribe application forms and application instructions.  
26 Project applications shall include all of the following:

27 a. A description of the project and the manner in which  
28 the project supports flood response, flood recovery, or flood  
29 mitigation activities.

30 b. A description of the financial assistance needed from the  
31 fund.

32 c. Details on any additional moneys to be applied to the  
33 project.

34 4. a. The board shall review all project applications.  
35 During the review of a project application, the board shall

1 consider, at a minimum, all of the following:

2 (1) Whether the project supports flood response, flood  
3 recovery, or flood mitigation activities.

4 (2) Whether moneys from the fund are essential to meet  
5 the necessary expenses or serious needs of the political  
6 subdivision related to flood response, flood recovery, or flood  
7 mitigation.

8 b. Upon review of a project application, the board shall  
9 approve, defer, or deny the application. If a project  
10 application is approved, the board shall specify the amount of  
11 moneys from the fund awarded to the political subdivision. The  
12 board shall negotiate and execute on behalf of the department  
13 all necessary agreements to provide the moneys. If a project  
14 application is deferred or denied, the board shall state the  
15 reasons for such deferral or denial.

16 5. Notwithstanding section 8.33, moneys in the fund  
17 that remain unencumbered or unobligated at the close of a  
18 fiscal year shall not revert but shall remain available for  
19 expenditure for the purposes designated in this section.  
20 Notwithstanding section 12C.7, subsection 2, interest or  
21 earnings on moneys deposited in the fund shall be credited to  
22 the fund.

23 Sec. 28. FLOOD RECOVERY APPROPRIATION. There is  
24 appropriated from the general fund of the state to the  
25 department of homeland security and emergency management, for  
26 the fiscal year beginning July 1, 2018, and ending June 30,  
27 2019, the following amount, or so much thereof as is necessary,  
28 to be credited to the flood recovery fund created in section  
29 418.16, as enacted by this Act, and used for the purposes  
30 designated in section 418.16, as enacted by this Act:  
31 ..... \$ 15,000,000

32 Sec. 29. EMERGENCY RULES. The department of homeland  
33 security and emergency management may adopt emergency  
34 rules under section 17A.4, subsection 3, and section 17A.5,  
35 subsection 2, paragraph "b", to implement the provisions of

1 this division of this Act and the rules shall be effective  
2 immediately upon filing unless a later date is specified in the  
3 rules. Any rules adopted in accordance with this section shall  
4 also be published as a notice of intended action as provided  
5 in section 17A.4.

6 Sec. 30. EFFECTIVE DATE. This division of this Act, being  
7 deemed of immediate importance, takes effect upon enactment.

8 DIVISION VI

9 STATE BUDGET PROCESS

10 Sec. 31. Section 8.6, Code 2019, is amended by adding the  
11 following new subsection:

12 NEW SUBSECTION. 16. *Salary model administrator.* To  
13 designate a position within the department to serve as the  
14 salary model administrator.

15 a. The salary model administrator shall work in conjunction  
16 with the legislative services agency to maintain the state's  
17 salary model used for analyzing, comparing, and projecting  
18 state employee salary and benefit information, including  
19 information relating to employees of the state board of  
20 regents.

21 b. The department of revenue, the department of  
22 administrative services, the institutions governed by the state  
23 board of regents pursuant to section 262.7, each judicial  
24 district's department of correctional services, and the state  
25 department of transportation shall provide salary data to the  
26 department of management and the legislative services agency  
27 to operate the state's salary model. The format and frequency  
28 of provision of the salary data shall be determined by the  
29 department of management and the legislative services agency.

30 c. The information shall be used in collective bargaining  
31 processes under chapter 20 and in calculating the funding needs  
32 contained within any annual salary adjustment legislation.  
33 A state employee organization as defined in section 20.3,  
34 subsection 4, may request information produced by the model,  
35 but the information provided shall not contain information

1 attributable to individual employees.

2     Sec. 32. Section 8.23, subsection 1, unnumbered paragraph  
3 1, Code 2019, is amended to read as follows:

4     On or before October 1, prior to each legislative session,  
5 all departments and establishments of the government shall  
6 transmit to the director, on blanks to be furnished by the  
7 director, estimates of their expenditure requirements,  
8 including every proposed expenditure, for the ensuing fiscal  
9 year, ~~classified so as to distinguish between expenditures~~  
10 ~~estimated for administration, operation, and maintenance, and~~  
11 ~~the cost of each project involving the purchase of land or the~~  
12 ~~making of a public improvement or capital outlay of a permanent~~  
13 ~~character,~~ together with supporting data and explanations  
14 as called for by the director after consultation with the  
15 legislative services agency.

16     Sec. 33. Section 8.23, subsection 1, paragraph a, Code 2019,  
17 is amended to read as follows:

18     a. The estimates of expenditure requirements shall be  
19 ~~based upon seventy-five percent of the funding provided for~~  
20 ~~the current fiscal year accounted for by program reduced by~~  
21 ~~the historical employee vacancy factor in a form specified by~~  
22 ~~the director,~~ and the remainder of the estimate of expenditure  
23 requirements shall include all proposed expenditures and shall  
24 be prioritized by program or the results to be achieved. The  
25 estimates shall be accompanied with by performance measures  
26 for evaluating the effectiveness of the ~~program~~ programs or  
27 results.

28     Sec. 34. Section 602.1301, subsection 2, paragraph a,  
29 unnumbered paragraph 1, Code 2019, is amended to read as  
30 follows:

31     As early as possible, but not later than December 1, the  
32 supreme court shall submit to the legislative services agency  
33 the annual budget request and detailed supporting information  
34 for the judicial branch. The submission shall be designed  
35 to assist the legislative services agency in its preparation

1 for legislative consideration of the budget request. The  
2 information submitted shall contain and be arranged in a format  
3 substantially similar to the format specified by the director  
4 of the department of management and used by all departments  
5 and establishments in transmitting to the director estimates  
6 of their expenditure requirements pursuant to [section 8.23](#),  
7 ~~except the estimates of expenditure requirements shall be based~~  
8 ~~upon one hundred percent of funding for the current fiscal~~  
9 ~~year accounted for by program, and using the same line item~~  
10 ~~definitions of expenditures as used for the current fiscal~~  
11 ~~year's budget request, and the remainder of the estimate of~~  
12 ~~expenditure requirements prioritized by program.~~ The supreme  
13 court shall also make use of the department of management's  
14 automated budget system when submitting information to the  
15 director of the department of management to assist the director  
16 in the transmittal of information as required under section  
17 8.35A. The supreme court shall budget and track expenditures  
18 by the following separate organization codes:

19 DIVISION VII

20 BLACKOUT SPECIAL REGISTRATION PLATES

21 Sec. 35. Section 321.34, Code 2019, is amended by adding the  
22 following new subsection:

23 NEW SUBSECTION. 11C. *Blackout plates.*

24 a. Upon application and payment of the proper fees,  
25 the director may issue blackout plates to the owner of a  
26 motor vehicle subject to registration under section 321.109,  
27 subsection 1, autocycle, motor truck, motor home, multipurpose  
28 vehicle, motorcycle, trailer, or travel trailer.

29 b. Blackout plates shall be designed by the department. A  
30 blackout plate's background shall be black, and the plate's  
31 letters and numbers shall be white.

32 c. The special blackout fee for letter-number designated  
33 blackout plates is thirty-five dollars. An applicant may  
34 obtain personalized blackout plates upon payment of the fee for  
35 personalized plates as provided in subsection 5, which is in

1 addition to the special blackout fee. The fees collected by  
2 the director under this subsection shall be paid monthly to the  
3 treasurer of state and deposited in the road use tax fund.

4     *d.* Upon receipt of the special registration plates, the  
5 applicant shall surrender the current registration plates to  
6 the county treasurer. The county treasurer shall validate  
7 the special registration plates in the same manner as regular  
8 registration plates are validated under this section. The  
9 annual special blackout fee for letter-number designated plates  
10 is ten dollars which shall be paid in addition to the regular  
11 annual registration fee. The annual fee for personalized  
12 blackout plates is five dollars which shall be paid in addition  
13 to the annual special blackout fee and the regular annual  
14 registration fee. The annual special blackout fee shall be  
15 credited as provided under paragraph "*c*".

16     *e.* The department shall not condition the issuance of  
17 blackout plates on the receipt of any number of orders for  
18 blackout plates.

19     Sec. 36. Section 321.166, subsection 9, Code 2019, is  
20 amended to read as follows:

21     9. Special registration plates issued pursuant to section  
22 321.34, other than gold star, medal of honor, collegiate, fire  
23 fighter, ~~and~~ natural resources, and blackout registration  
24 plates, shall be consistent with the design and color of  
25 regular registration plates but shall provide a space on a  
26 portion of the plate for the purpose of allowing the placement  
27 of a distinguishing processed emblem or an organization  
28 decal. Special registration plates shall also comply with  
29 the requirements for regular registration plates as provided  
30 in this section to the extent the requirements are consistent  
31 with the section authorizing a particular special vehicle  
32 registration plate.

33                                   DIVISION VIII

34                                   GAMBLING REGULATION

35     Sec. 37. Section 99F.7A, subsection 3, if enacted by 2019

1 Iowa Acts, Senate File 617, section 10, is amended to read as  
2 follows:

3     3. A licensee under this section may enter into operating  
4 agreements with one or two entities to have up to a total of  
5 two individually branded internet sites to conduct advance  
6 deposit sports wagering for the licensee, unless one additional  
7 operating agreement or individually branded internet site  
8 is authorized by the commission. However, a person shall  
9 not sell, grant, assign, or turn over to another person the  
10 operation of an individually branded internet site to conduct  
11 advance deposit wagering for the licensee without the approval  
12 of the commission. This section does not prohibit an agreement  
13 entered into between a licensee under this section and an  
14 advanced deposit sports wagering operator as approved by the  
15 commission.

16     Sec. 38. Section 99F.13, Code 2019, is amended to read as  
17 follows:

18     **99F.13 Annual audit of licensee operations.**

19     Within ninety days after the end of the licensee's fiscal  
20 year, the licensee shall transmit to the commission an audit  
21 of the licensee's total gambling operations, including an  
22 itemization of all expenses and subsidies. For a licensed  
23 subsidiary of a parent company, an audit of the parent company  
24 meets the requirements of this section. All audits shall  
25 be conducted by certified public accountants authorized  
26 to practice in the state of Iowa under **chapter 542** ~~who are~~  
27 ~~selected by the board of supervisors of the county in which the~~  
28 ~~licensee operates.~~

29                               DIVISION IX

30                               PUBLIC UTILITIES

31     Sec. 39. Section 476.6, subsection 15, paragraph c,  
32 subparagraphs (2) and (4), Code 2019, are amended to read as  
33 follows:

34     (2) Notwithstanding the goals developed pursuant to  
35 paragraph "b", the board shall not require or allow a gas



1 utility to adopt an energy efficiency plan that results in  
2 projected cumulative average annual costs that exceed one  
3 and one-half percent of the gas utility's expected annual  
4 Iowa retail rate revenue from retail customers in the state,  
5 shall not require or allow an electric utility to adopt an  
6 energy efficiency plan that results in projected cumulative  
7 average annual costs that exceed two percent of the electric  
8 utility's expected annual Iowa retail rate revenue from retail  
9 customers in the state, and shall not require or allow an  
10 electric utility to adopt a demand response plan that results  
11 in projected cumulative average annual costs that exceed two  
12 percent of the electric utility's expected annual Iowa retail  
13 rate revenue from retail customers in the state. For purposes  
14 of determining the two percent threshold amount, the board  
15 shall exclude from an electric utility's expected annual Iowa  
16 retail rate revenue the revenues expected from customers that  
17 have received exemptions from energy efficiency plans pursuant  
18 to paragraph "a". This subparagraph shall apply to energy  
19 efficiency plans and demand response plans that are effective  
20 on or after January 1, 2019.

21 (4) The board shall approve, reject, or modify a plan filed  
22 pursuant to [this subsection](#) no later than March 31, 2019. If  
23 the board fails to approve, reject, or modify a plan filed by a  
24 gas or electric utility on or before such date, any plan filed  
25 by the gas or electric utility that was approved by the board  
26 prior to May 4, 2018, shall be terminated. The board shall  
27 not require or allow a gas or electric utility to implement an  
28 energy efficiency plan or demand response plan that does not  
29 meet the requirements of [this subsection](#).

#### 30 DIVISION X

#### 31 BOARD OF REGENTS CAPITAL PROJECTS

#### 32 Sec. 40. BOARD OF REGENTS CAPITAL PROJECTS REPORT.

33 1. The state board of regents shall submit a written report,  
34 including such information and recommendations as required by  
35 this section, to the general assembly by December 13, 2019,

1 regarding the financing of capital projects at institutions  
2 under the control of the state board of regents.

3 2. The written report shall include a list of all capital  
4 projects initiated by an institution under the control of the  
5 state board of regents since January 1, 2004, in which the  
6 state provided at least a part of the financing for the project  
7 from an appropriation from the rebuild Iowa infrastructure fund  
8 created in section 8.57. For each project listed, the report  
9 shall include all of the following information:

10 a. Total cost of each project.

11 b. The amount and percentage of each project financed  
12 through donations and gifts from private sources.

13 c. The amount and percentage of each project financed  
14 through funding from the federal government.

15 d. The amount and percentage of each project financed  
16 through institution sources.

17 e. The amount and percentage of each project financed  
18 through state dollars.

19 f. The amount and percentage of each project financed  
20 through other sources.

21 g. Whether each project was considered a renovation or new  
22 construction.

23 3. The written report shall include, for each year since  
24 January 1, 2004, the percentage of capital project costs that  
25 were covered by donations and gifts from private sources for  
26 capital projects that did not receive state funding.

27 4. The written report shall include information regarding  
28 how the state board of regents defines new construction and  
29 renovations, a list of capital projects initiated due to  
30 extraordinary circumstances, and the current method used by  
31 the state board of regents and institutions under the control  
32 of the state board of regents to develop financing plans for  
33 capital projects.

34 5. The written report shall also include recommendations to  
35 the general assembly regarding the following:

1 a. The type of capital projects that should be eligible for  
2 state funding.

3 b. The share of state-funded capital projects that should be  
4 funded with non-state dollars.

5 c. How the fundraising plan will be developed for  
6 state-funded projects.

7 Sec. 41. REPEAL. Section 262.67, if enacted by 2019 Iowa  
8 Acts, House File 765, section 16, is repealed.

9 DIVISION XI

10 WATERSHED MANAGEMENT AUTHORITIES

11 Sec. 42. Section 466B.22, Code 2019, is amended by adding  
12 the following new subsection:

13 NEW SUBSECTION. 5. If a portion of a United States  
14 geological survey hydrologic unit code 8 watershed is located  
15 outside of this state, any political subdivision in such a  
16 watershed may participate in any watershed management authority  
17 which includes the county in which the political subdivision  
18 is located.>

19 2. Title page, line 4, by striking <date> and inserting  
20 <date, applicability, and retroactive applicability>

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MICHAEL BREITBACH